

REMARKS

Claims 1-70 are pending in this application. The Examiner has required an election under 35 U.S.C. § 121 of one of the following groups:

- I. Claims 1, 3-5, 9-12, 15, 16, 33, 36, 37, 40-51, 58-64, and 70-72, drawn to methods of treating an inflammatory or autoimmune disorder with one or more $\alpha_v\beta_3$ antagonists alone or in combination with other antagonists, classified in class 424, subclass 130.1.
- II. Claims 63-65, 66 and 67, drawn to a compositions comprising an $\alpha_v\beta_3$ antagonist and a TNF- α antagonist, classified in class 424, subclass 133.1.
- III. Claims 64 and 69-70, drawn to a composition comprising an $\alpha_v\beta_3$ antagonist and a CD2 binding molecule, classified in class 424.1, subclass 141.1.

The Examiner contends that the inventions of Groups I-III are distinct from each other. Applicants note that claims 1-62 are directed to methods of treating an inflammatory or autoimmune disorder with one or more $\alpha_v\beta_3$ antagonists alone or in combination with other agents. Accordingly, in response to the restriction requirement, Applicants hereby elect to prosecute the claims of Group I, claims 1-62, drawn to methods of treating an inflammatory or autoimmune disorder with one or more $\alpha_v\beta_3$ antagonists alone or in combination with other agents, without prejudice to Applicants' right to pursue the non-elected subject matter in other applications.

Group I is subject to a species election which requires Applicants to elect inflammatory disorders or autoimmune disorders as the disorder to be treated or ameliorated in accordance with the methods of the invention. In response, Applicants elect methods of treating or ameliorating inflammatory disorders, without prejudice to Applicants' right to pursue the non-elected subject matter in related applications.

Applicants are also required to elect one of the following species:

- A An $\alpha_v\beta_3$ antagonist alone;
- B An $\alpha_v\beta_3$ antagonist and a TNF- α antagonist;

- C An $\alpha_v\beta_3$ antagonist and a CD2 binding molecule; and
- D An $\alpha_v\beta_3$ antagonist and an immunomodulatory agent.

After electing one of the species delineated above, Applicants' are required to elect a specific agent(s) that falls within the elected species of A through D.

Applicants respectfully traverse the restriction requirement requiring the election of an $\alpha_v\beta_3$ antagonist alone (species A) or the combination of an $\alpha_v\beta_3$ antagonist and one of the agents delineated above (species B through D), and the election of a specific agent that falls within the classification of A through D. Applicants respectfully assert that a single search for methods of treating or ameliorating an inflammatory disorder by administering to a subject an $\alpha_v\beta_3$ antagonist would identify any relevant art pertaining to a method of treating or ameliorating an inflammatory disorder comprising administering to a subject in need thereof an $\alpha_v\beta_3$ antagonist alone or in combination with a TNF- α antagonist, a CD2 binding molecule or an immunomodulatory agent. Thus, contrary to the Examiner's contention, Applicants assert that to search and examine methods of treating or ameliorating an inflammatory disorder by administering an $\alpha_v\beta_3$ antagonist alone or in combination with a TNF- α antagonist, a CD2 binding molecule or an immunomodulatory agent would not be a serious burden on the Examiner. The M.P.E.P. § 803 (Eighth Edition, rev. 3, August 2005) states:

If the search and examination of an application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Thus, in view of M.P.E.P. § 803 species A through D and the agents that fall within the classification of A through D should be searched and examined together in the subject application.

In order to be fully responsive, however, Applicants hereby elect, with traverse, to prosecute species B (an $\alpha_v\beta_3$ antagonist and a TNF- α antagonist) where the $\alpha_v\beta_3$ antagonist is VITAXIN™ (MEDI-522) and the TNF- α antagonist is a REMICADE™ (an anti-TNF- α antibody), without prejudice to Applicants' right to pursue the non-elected subject matter in related applications. The status of the pending claims in view of the elections made herein are presented in the listing of the claims section of this response.

Entry of the remarks made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

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